

Frederick County Ethics Commission
Minutes for the Public Meeting of Wednesday, May 11, 2016

Present: Brian Duncan, Chair
 Stephen K. Hess, Vice Chair
 Christopher Glass, Sr., Commission Member
 Timothy Tosten, Commission Member
 Linda B. Thall, Senior Assistant County Attorney

Absent: Anthony Ventre, Commission Member
 Beverly Freed, Alternate Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on May 11, 2016, in the Winchester Room on the 2nd floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

Approval of the Minutes – Before the meeting, the members received the draft minutes for the meeting held on April 13. The members had no changes to the minutes.

MOTION: Mr. Hess made a motion to approve the minutes as drafted. Mr. Glass seconded the motion, which was approved by unanimous consent.

Discussion of draft subpoena form and instructions – Before the meeting, Mr. John Helms provided the Ethics Commission with a draft subpoena form and instructions on use of the form. The Commission decided to amend the documents to clarify that the subpoena power is not limited to County officials and employees; this power extends to the public as well. The Commission also decided that as the subpoenas will be issued by the Ethics Commission under the authority given in the Ethics Law, the name of the County Executive should be removed from the subpoena. Other minor changes were also agreed upon. In most cases, the Commission's Chair will issue the subpoena. The Commission discussed how the subpoena would be issued if there is a conflict of interest on the part of the Chair. A new draft of the subpoena and instructions will be prepared and circulated for discussion.

Proposed revisions to the Commission's Standard Operating Procedure (SOP) – Mr. Duncan informed the Commission that he talked to Mr. Cobb, a representative of the Montgomery County Ethics Commission. He discussed how that Ethics Commission handles investigations, who conducts the investigations, how the Commission treats anonymous complaints and the Commission's use of opinion letters. Montgomery County exercises discretion in accepting anonymous complaints. The Commission and its staff are completely removed from the investigative process. One difference in Montgomery County is that the County has an Inspector General; Frederick County does not.

The Commission then discussed what its policy should be on acceptance of anonymous complaints. The Commission decided to delete the express statement in the SOP that anonymous complaints would not be accepted. The Commission then discussed other changes to the SOP and provided direction on amendments to the draft SOP. A revised draft will be circulated to the members of the Ethics Commission. After the Commission approves the updated draft, it will be posted on the Ethics Commission's website for public comment.

Discussion of ethics training: The Commission members agreed that training should be provided to County officials and employees, as well as to the public. Training options such as video links and live training were discussed.

Recommendation letter to the County Executive: The Commission wishes to send a letter to the County Executive on two subjects. The first subject would be a recommendation for change to the Ethics Law provision stating that a subpoena can only be issued when approved by a supermajority of the Ethics Commission. If two members of the Ethics Commission (including the alternate member) recuse themselves from consideration of a complaint due to a conflict of interest, the remaining members of the Ethics Commission would have no power to issue a subpoena, even when all of the voting members are in favor of issuing the subpoena. The second topic of the letter would be a recommendation that the County Executive require training on the Ethics Law for County officials and employees.

Adjournment

The Ethics Commission adjourned its meeting at approximately 9:15 p.m.

/s/
Linda B. Thall, Senior Assistant County Attorney